

**Statement of Ukrainian Human Rights Union
on situation in Ukraine
to Review Conference
Astana
26-28 November 2010**

The Ukrainian Helsinki Human Rights Union is disturbed by a sharp increase in unlawful actions against human rights and civic activists. The number of such cases over the last six months is far in excess of the total number of similar incidents during the previous five years.

Intrusion in the right for peaceful assembly

On 12 October 2010 between 11.30 and 12.40 the civic organization *Vartovi zakonu* [Guards of the Law] held a picket outside the Lviv Prosecutor's Office demanding investigations into abuse in the housing and services sphere, under the banner "Down with Prosecutor corruption!". They had already held several such pickets on previous Tuesdays.

The picket organisers Oleksy Verentsov and Ihor Tanyachkevych had preliminary provided notification of the planned peaceful gatherings. Although the local authorities of Lviv on 11 October applied to the court for a ban on the peaceful assembly, however, at the time of the peaceful gathering on 12 October there was no court ban of the event.

During the peaceful assembly, there were no recorded infringements of public order with this confirmed by numerous video recordings of the event. Despite this, the police demanded that the picket be stopped and that the organizers be taken to the police station. They explained this by claiming that the organizers did not have a *permit* for the peaceful assembly. However according to Article 39 of the Constitution organizers must inform of an event, but do not have to receive permission.

On 14 October the two organizers of the picket - Oleksy Verentsov and Ihor Tanyachkevych – were detained by the police, taken to court which sentenced them to three days administrative arrest for wilfully disobeying the lawful instruction of the police and infringing the procedure for organizing a peaceful gathering (Articles 186 and 185-1 of the Code of Administrative Offences. The court hearing took place with clear infringements of the right to a fair trial. The court in its ruling also demanded a permit to hold a peaceful assembly from the organizers in contravention of a direct norm of the Constitution. The organizers of the peaceful gathering were released after serving their sentence on 17 October.

Events in Lviv are in line with events of in May-June 2010 in Kharkiv when several environmental activists were arrested and detained in police. Later some of them were sentenced by a domestic court, in fact, over their peaceful protest in Kharkiv, although formally they were charged of disobeying the lawful instruction of the police. In particular, two activists – Andriy Yevarnitskiy and Denis Chernyega - were sentenced to 15 day of imprisonment, several activists were sentenced to various fines. Also, one of the activists was arrested when he participated in peaceful picketing local authorities building. Amnesty International declared Andriy Yevarnitskiy and Denis Chernyega by prisoners of conscience.¹

¹<http://www.amnesty.org/en/library/asset/EUR50/008/2010/en/fdc82d1d-8a4f-4902-986d-bbb97306ef64/eur500082010en.html>

During peaceful demonstrations the police also watched on while activists were beaten by men in black with badges saying “Municipal Guard”.

On 22 November 2010 police preclude entering to Kiev of 140 buses with protesters who were going to join action against new Tax Code.

Meddling in normal operations of human rights organisation in Vinnytsa

On 15 October a police search was carried out of the flat of Coordinator of the Vinnytsa Human Rights Group, Dmytro Groisman, on the basis of a warrant from the Leninsky District Court in Vinnytsa from 22 September 2010, as part of a criminal investigation regarding circulation of pornography.

The criminal investigation is over the posting by Groisman on his Live Journal blog of a video clip (di-mur.livejournal.com) which is freely accessible on Youtube.

On completion of the search, the police officers expressed the wish to view the office of the Vinnytsa Human Rights Group in the next door flat. Without any court warrant and consent of Vinnytsa Human Rights Group legally possessing the premise, the police entered the office, carried out a search and removed all computers and information drives, all financial documentation of the organization, confidential information about clients and refugees, correspondence between the Vinnytsa Human Rights Group and the European Court of Human Rights on particular cases.

After the search Groisman was summoned several times for questioning during which considerable number of questions were put irrelevant to pornography case but deeply concerned the activity of the Vinnytsa Human Rights Group. Several members of the organization were also questioned in the same manner.

It is clear that all these procedural actions and the items removed had nothing to do with the artificially initiated criminal investigation but were aimed at removing proof of violations of human rights and paralyzing the work of the organization.

Attempt to use punitive psychiatry in Vinnytsa

On 29 October 2010, Court of appeal of Vinnytsya region in response to the appeal the local prosecutor’s office ordered forced psychiatric assessment of the trade-union activist and human rights defender Andrey Bondarenko. Andrei Bondarenko has no record of mental illness and has undergone three psychiatric examinations to prove his sanity, the most recent of which was in October 2010.

Among the reasons quoted by prosecutors for him to be examined is his “excessive perceptions of his own and others’ rights and his uncontrollable readiness to defend these rights in unrealistic ways”.

This is the first clear case of usage of soviet-style “punitive psychiatry” come to light for all history of Ukrainian independence. [Amnesty International](#) and Human Rights Watch as well as many Ukrainian NGOs expressed their deep concern on such development.

Events in Yevpatoria

On 8 October the Head of the Yevpatoria Department of the Police in the Crimea, O. Osadchy sent a demand to the Head of the Ukrainian civic organization of Disabled Users of Psychiatric Help “User”, R. Imereli to send him copies of the financial and accountancy documents of the organization, as well as documents on the project carried out by the organization, supposedly in order to check for what purposes the money received for the project was spent. This involved a project monitoring violations of human rights in psychiatric institutions in the Crimea which had recorded serious violations. It was after publication of previous results of this project by the head of the project, Andriy Fedosov, that the latter was beaten up and received a series of threatening telephone calls.

None of these cases has been investigated despite numerous appeals from human rights groups. Instead one sees from this letter that the police have begun investigating the human rights organization. It is not known on what grounds this is being done and what offence Fedosov is suspected of. It is clear that such actions are aimed at intimidation and stopping further implementation of the project and actions of the organization as a whole.

Pressure on activists

UHHRU has on a number of occasions received evidence that officers of the SBU [Security Service] or police are carrying out undeclared meetings with civic activists aimed not only at gathering information, but also at intimidating them and dissuading them from engaging in protest. For example, police officers ask people to sign a document warning of criminal liability for unlawful actions during peaceful assembly. Such preventive [“prophylactic”] conversations are often aimed at intimidating organizers of events so that they decide against such activity.

There have also been numerous cases where the administration of higher educational institutions has been enlisted to place pressure on young activists to encourage them to give up their activities. There have been such cases, for example, in Simferopol and Kyiv.

All these cases, while not linked with each other, arouse concern and indicate that the work of human rights and civic activists is becoming ever more dangerous. In such conditions the government should

The organization states that such meetings reincarnate Soviet practice of “preventive talks” of KGB.

Some time before the president of Ukrainian Catholic University, Mr Gudzyak, stated that a Security Service officer tried to make him to sign a prepared by the Security Service confidential letter containing undertaking by the president to warn students against any protests “unsanctioned by the authorities”.

Mr Gudzyak refused to do that, however reliable sources inform that many presidents of high school establishments signed similar letters.

Mass-media

The situation as to right to expression has deteriorated dramatically. Authorities were unable to prove that they are doing everything possible to solve the case of disappearance and possible murder of Kharkov journalists Vasyl Klymentyev.

Annulment of broadcast licenses of television channels Channel 5 and TVi was done in manner that was illogical and inconsistent and that invites numerous questions about the legality and proportionality of interference, and equal treatment of different TV channels in Ukraine.

Arkady Bushchenko

Chair of the UHHRU Board

Volodymyr Yavorsky

UHHRU Executive Director